

UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

United States of America)

v.)

EUGENE MCDONALD)

Date of Previous Judgment: January 23, 2001)

(Use Date of Last Amended Judgment if Applicable))

Case No: 1:CR-00-007USM No: 09996-067

Pro Se

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31 Amended Offense Level: 29
 Criminal History Category: I Criminal History Category: I
 Previous Guideline Range: 120 to 135 months Amended Guideline Range: 87 to 108 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☒ Other (explain): The defendant was subject to a mandatory 10 year statutory minimum sentence which exceeds the high end of the applicable guideline range. The Sentencing Commission has not altered and cannot alter a statutory mandatory minimum sentence, and that mandate continues to apply. Therefore, the defendant is not entitled to a reduced sentence.

FILED
HARRISBURG, PA

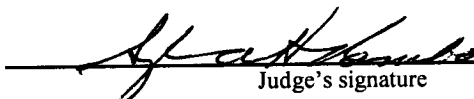
MAR 27 2008

MARY E. D'ANDREA, CLERK
Per _____
Deputy Clerk

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 01/23/2001 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 27, 2008

 Judge's signature
Effective Date: _____
(if different from order date)Sylvia H. Rambo, United States District Judge
Printed name and title